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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,295	12/04/2001	Sayling Wen	3313-0439P-SP	8936
2292	7590	07/27/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			RIVERO, MINERVA	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,295

Applicant(s)

WEN ET AL.

Examiner

Minerva Rivero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 7-10, 12-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 7-10, 12-13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Responding to the Office Action mailed 12/13/2004, in the Remarks filed on 3/11/2005, Applicant amended claims 1, 10 and 12-13. Furthermore Applicant canceled claims 3-6, 11 and 14-15, and submitted arguments for allowability of pending claims.

Response to Arguments

2. Applicant's arguments filed 3/11/2005 have been fully considered but they are not persuasive.
3. Regarding the previous use of Official Notice to assert certain well-known facts, the applicant did not challenge any of the factual assertions made. Hence, such asserted facts are now applicant's admitted own prior art.
4. Regarding claims 1 and 10, Applicants argue (pp. 9-10) that Parry *et al.* do not disclose an adder for "storing the message in an adder according to a FCFS (First Come First Served) principle", "reconstructing the messages into the result based on the FCFS principle", and "comparing the result with the answer".

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Examiner cannot concur with the Applicant. While Parry *et al.* do not **explicitly** disclose the element of an adder, they do disclose performing steps of adding and storing the message in an adder according to a FCFS principle (*growing sentence is added upon in each step*, Col. 12, Lines 42-51), reconstructing the messages into the result based on the FCFS principle (*sentence is added to in the order that elements are received*, see *Sentence Builder*, Col. 12, Lines 42-51) and comparing the result with the answer (*the currently constructed sentence is verified upon each addition*, see *Sentence Builder*, Col. 12, Lines 42-51). Therefore the Examiner rejects the pending claims, and maintains the 103 rejection regarding an adder, as it is an inherent element in performing the function of adding disclosed by Parry *et al.*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 7-10, 12-13 and 16 are rejected under 35 U.S.C. 103 as being unpatentable over Parry *et al.* (US Patent 6,077,085), in view of applicant's admitted prior art.

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7. Regarding claim 1, Parry *et al.* disclose a system comprising
a sentence pattern database, which stores at least one sentence pattern sample datum (*word, phrase and sentence database with tagging according to constructs' grammar, syntax and vocabulary concept*, Col. 3, Lines 21-36);

a random number generator, which generates a random number (*questions are randomly presented to the student, implying use of a random number generator*, Col. 15, Lines 7-9; Col. 18, Lines 1-4 and 10-11);

a question-generating module, which generates a question signal by obtaining the sentence pattern sample datum from the sentence pattern database according to the random number and sends it to the user (Col. 15, Lines 7-9; Col. 18, Lines 1-11; Col. 12, Lines 52-59); and

a sentence-making language-learning module, which generates a sentence-making signal when the question signal is received and determines whether a result inputted by the user is correct (Col. 12, Lines 52-59; *Real-Time Response Evaluation*, Col. 17, Lines 43-50; *Response Evaluation Procedure Flowchart*, Fig. 9).

Parry *et al.* do not **explicitly** disclose the sentence-making language learning module comprising

a buffer, which stores an answer corresponding to the question signal;

an adder, which receives messages inputted by the user, stores the messages into the result based on FCFS (First Come First Served) principle, reconstructs the messages into the result based on the FCFS principle, and compares the result with the answer.

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However, the admitted prior art discloses that it was well known in the art to provide a FIFO buffer to store data in a data processing system, and to provide an adder to perform the basic mathematical and logical functions necessary to compare the data.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to have a buffer and an adder in Parry *et al.*'s language learning system in order to enable the storing of the correct answers to be used for evaluation of the student's responses, and enable the comparison of the stored correct answers and the student's responses.

8. Regarding claim 2, Parry *et al.* do not explicitly disclose providing a random number list for storing a random number series.

However, the admitted art discloses that it was a well-known and common practice in the art to store validated random numbers in order to have them readily available for future use.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to have stored validated random numbers in Parry *et al.*'s language learning system in order to have the random numbers readily available for future use.

9. Regarding claim 10, Parry *et al.* disclose a method comprising the steps of

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establishing at least one sentence pattern sample in a sentence pattern database (Col. 3, Lines 21-36; *grammar patterns and identifying sentences of a particular grammar principle*, Col. 7, Lines 32-42; *concept tagging method*, Fig. 3);

using a random number generator to generate a random number (*questions are randomly presented to the student, implying use of a random number generator*, Col. 15, Lines 7-9; Col. 18, Lines 1-4 and 10-11);

obtaining the sentence pattern sample datum from the sentence pattern database according to the random number (Col. 15, Lines 7-9; Col. 18, Lines 1-11; Col. 12, Lines 52-59);

formatting the sentence pattern sample datum and outputting the sentence pattern sample datum to the sentence-making language-learning module (*constructs are arranged according to their grammar, syntax and vocabulary tags*, Col. 3, Lines 21-36; Col. 7, Lines 32-42);

asking the user through a question sentence speech model a question sentence text (*question may be presented in audible or textual form*, Col. 12, Lines 15-20);

using the sentence-making language-learning module to obtain an answer sentence text and an answer sentence speech model from the sentence pattern database as comparison sample (*the currently constructed sentence is verified upon each addition, see Sentence Builder*, Col. 12, Lines 42-51; *if response is incorrect, correct answer is shown to the student*, Col. 3, Lines 64-67; *interactive phrase memorization*, Col. 22, Line 63 – Col. 23, Line 6);

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dividing the answer sentence text into individual words, shuffling the words, and outputting the shuffled words to the user (Col. 13, Lines 57-62; Col. 23, Lines 17-27, see Fig. 14; Col. 3, Lines 48-51);

receiving a message inputted by the user (*student answers*, Col. 3, Lines 56-59);

storing the message in an adder according to a FCFS (First Come First Served) principle (*sentence is added to in the order that elements are received*, see *Sentence Builder*, Col. 12, Lines 42-51);

after receiving all of the messages inputted by the user, reconstructing all of the messages stored in the adder into a result based on the FCFS principle and comparing the result with the comparison sample (*Sentence Builder*, Col. 12, Lines 42-51; *step is checked for accuracy*, Col. 12, Lines 42-51; *the currently constructed sentence is verified upon each addition*, see *Sentence Builder*, Col. 12, Lines 42-51).

10. Regarding claims 7, 12 and 13, Parry *et al.* disclose a system and method comprising

an answer sentence text, which is an answer presented in text (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; Col. 11, Lines 32-35; Col. 12, Lines 15-20-25);

a question sentence text, which is a question presented in text (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; Col. 11, Lines 32-35; Col. 12, Lines 15-20-25);

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an answer sentence speech model, which is an answer sentence presented in speech (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; *presented audibly*, Col. 11, Lines 32-35; Col. 12, Lines 15-25) and

a question sentence speech model, which is a question sentence presented in speech (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; *presented audibly*, Col. 11, Lines 32-35; Col. 12, Lines 15-25).

However, Parry *et al.* do not explicitly disclose

a sentence pattern code, which is a serial number of the sentence pattern sample data and corresponds to a random number. The ~~admitted art discloses~~ ^{admitted art discloses} that it is notoriously well-known in the art to index an element in a list through a code or serial number in order to distinguish between the various elements and refer to them properly.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to include a serial number to identify a sentence pattern sample in Parry *et al.*'s language learning system in order to successfully identify and retrieve in random order the various sentence patterns in the database.

11. Regarding claims 8 and 16, Parry *et al.* further disclose the user operating interface uses a basic I/O (Input/Output) device to perform I/O and the basic I/O device is selected from a grouping consisting of a keyboard, a mouse a digital touch-control

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panel, and a speech playing system (*Computer Hardware*, Col. 5, Line 60 – Col. 6, Line 18).

12. Regarding claim 9, Parry *et al.* further disclose the conversational foreign language speaking and listening ability training system is used on a computer executable hardware platform selected from the group consisting of a PC (Personal Computer, a NB (Notebook), or a PDA (Personal Digital Assistant) (*Computer Hardware*, Col. 5, Line 60 – Col. 6, Line 18; Fig. 1).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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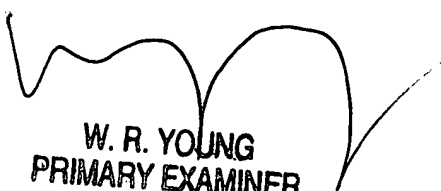
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (571) 272-7628. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 7/23/2005


W. R. YOUNG
PRIMARY EXAMINER